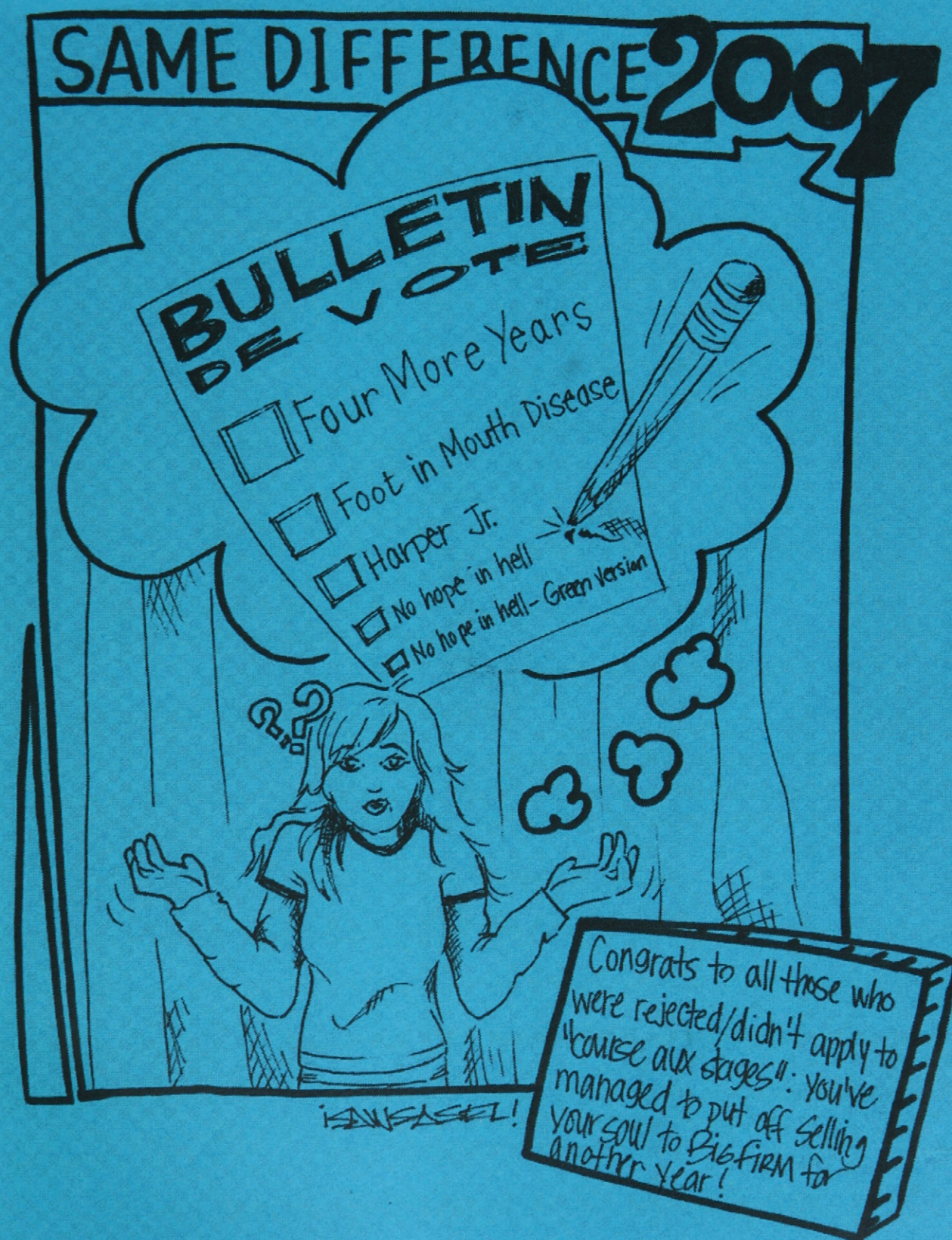


# QUID NOVI

**McGill University, Faculty of Law**  
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## QUID NOVI

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# Plaidoyer pour la plaidoirie

par **Caroline Briand (Law IV)**  
**Co-Rédactrice en chef**

Je vis présentement les derniers miles de mon bac en droit. Malgré quelques moments de stress intense (« Pourquoi je n'ai pas choisi le bac en arts plastiques ? »), voire de frustration (« Dites-moi que je rêve ! Sortez-moi d'ici, quelqu'un ! ») ou plus récemment, de saturation (« J'ai presque hâte d'être au Barreau ! »), ce fut un cheminement très intéressant et hautement apprécié.

L'une des choses dont je garderai le meilleur souvenir est sans doute l'expérience de la plaidoirie. Outre ceux obligatoires de première et de deuxième année, j'ai également eu la chance de participer à un *moot* interuniversitaire. Je me suis follement amusée à chacune de ses occasions, ce qui n'est sans doute pas étranger au fait que j'ai bénéficié, à chaque fois, d'excellents partenaires.

À ma grande incompréhension, j'ai croisé beaucoup de gens au cours des dernières années pour qui la plaidoirie ou le litige n'ont absolument aucun intérêt, ou pour qui la plaidoirie n'est qu'en soit une expérience désagréable, voire même carrément humiliante. Est-ce la rigueur du « modèle McGill » de plaidoirie, ou encore du cours de méthodologie qui rebute mes confrères, ou s'agit-il d'un malaise quand au fait d'étaler ses connaissances devant ses pairs ?

Je n'en sais trop rien...

Je sais toutefois qu'il y a différents styles de plaideurs, et que l'on gagnerait, de façon générale, à souligner ce fait. J'ai eu récemment l'opportunité de « boucler la boucle » de mon expérience de tribunal-école, en co-jugeant des plaidoiries de deuxième année. Chacun des quatre plaideurs (et plaideuse – vous vous reconnaîtrez) a donné une très bonne performance, chacun à sa manière, de façon naturelle et personnelle, sans se soumettre à un carcan formel qui ne leur convenait pas. De mon impression (et de celle, je crois, de mes estimés collègues sur le « Banc »), ils se sont tous donnés à fond dans l'exercice, et paraissaient, somme toute, s'être bien amusés.

Quant à moi, c'est là l'essentiel de l'exercice. ■

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# The Sunshine Article

by Alison Glaser (Law II)

A few weeks ago, my friend lent me a book written by the people from *What Not to Wear*. It's (unsurprisingly) about how to dress oneself properly so that everything fits and looks good. At the beginning, there is a list of items that "every woman should own". I, literally, own about 4 things off that list. And that's when my new quest began: I need to start trying to look like a lady. See, I think maybe being a student for so long has infected me. I tend to wear jeans and running shoes a lot. But, damn it, I will soon be a professional so I should start to get used to the idea. No judge will ever take me seriously if I show up in court wearing my law sweatshirt. However, there have been a few snags in my quest, which, for your amusement, I will share with you:

## I am completely incapable of walking in high heels

I now own two pairs of gorgeous lady-like high-heeled shoes. They are beautiful. They are swish. And I walk like a flamingo on crack in them. Even though they are not super high and are well balanced and so on, I just look dumb all the time. Part of the problem, I think, is that they are not designed to be worn in conjunction with a backpack that includes one's laptop and Evidence textbook (note to self: looking like a lady probably involves buying a bag...). Also, seriously, having to remember to bring them with me and then change into them in school and to put my boots away and to remember those panty-hose sock things

that you have to wear...what can I say, I'm bad at organizing that kind of stuff. A legal argument about the implications of a man who steals chocolate aboard a coast-guard ship – no problem. Remembering to bring little sock things – for some reason I find this difficult. Sigh.

## I spill stuff all over myself

You may have noticed as a running theme throughout these articles that I am somewhat clumsy. How much worse to be clumsy when you are wearing nice clothes? I live in a constant state of fear that I will rip something or spill something or otherwise damage the beautiful and expensive stuff I am wearing.

## I hate shopping

I can usually stand about 2 hours of shopping at a maximum. But finding really nice clothes that look good on you and fit you properly takes time. I just bought my first ever suit. It is beautiful and I love it with a passion that borders on the frightening. But to find this suit I had to try on about 85 different items of clothing. While there was a certain amount of Barbie-doll fun, it was also incredibly tiring and required much tea afterwards in order to replenish the spirit. It took more effort for me to find a suit than to find a man (literally – my husband and I were set up for our first date).

## Amusing side anecdote

As you can probably guess from above, I am not the kind of person who owns lots of shoes. One day my hus-

band was making fun of me for having lots of shoes. I told him that 10 pairs, including boots and sandals, was not a lot. He didn't believe me. I told him to ask the women at work. I was vindicated when the first two he asked said they had about 60 and 50 respectively! He has never said anything to me about shoes since (sixty pairs of shoes????!!!! What do you do with them all?)

## You get the third degree at the faculty if you wear nice clothes

"Are you mooting or recruiting" is what I get all the time when I try and look nice. Seriously, how is a gal supposed to get from schlumpy to lady if every time she wears a skirt she gets bombarded with questions by every person she meets? What is wrong with us that we feel the need to constantly question someone who is *just trying to make an effort here and its really hard because she is genetically indisposed to do this!!!!*

## My mother is cooler than me

This isn't really a reason why I don't look like a lady, it is just upsetting. My mom was always a hippie-flower child kind of person. She never wears make-up or high heels or anything, which is part of the reason why I am so inept in that department. However in the past few years she has gone from hippie-earth-mama doctor lady to funky doctor lady. She has these dark purple streaks in her funky grey hair that look awesome. She has these amazingly cool glasses. She wears these really good

clothes. It makes me think that perhaps my problem was not her influence, but really just that I am lazy.

## I am lazy

It takes so much effort to look like a lady. I like my sweatpants! I like my sweat-shirt! Oh well, I guess I should just suck it up. And the consolation is that I do look puuuuurty in the nice clothes... ■

## LAW JOKE CORNER

A lawyer was getting fitted for a suit at his tailor's office. As he was standing there, he decided to have some fun with the man. "I guess our jobs are pretty similar," said the lawyer.

The tailor remained silent, so the lawyer continued, "What I mean is that we're both in the same business - making suits. And both of our suits end up in a court of law."

The tailor said nothing, but continued measuring, so the lawyer added, "Of course, I went to college and then law school for seven years to learn how to make my suits."

"Yes," said the tailor, "but when I make a suit, it only costs you a few hundred dollars."



# Professor Leckey - An unlikely *bon père de famille*

by Sean Hutchman (Law III)

Many students in Professor Leckey's Family Law course are upset. Indeed, that is an understatement. They are incensed, dumbfounded and offended. Why, you ask? Because almost half of us failed a short writing exercise for what seem to be minor formatting indiscretion, and in the process have half a letter-grade deducted from our final mark. For example, deviant margins - Professor Leckey eschews the standard Microsoft Word format - and the use of paper clips as opposed to staples were both grounds for failure. (Perhaps a Freudian could shed some light on the dark psychic symbolism of the paperclip in Professor Leckey's childhood?)

As I contemplated my membership in the happy cohort of Family Law failures I asked myself whether Professor Leckey was being reasonable, or, to borrow the quaint civilian term, whether he was acting as a *bon père de*

*famille*. This term seemed apt, given that we are in Family Law and in many ways the professor's relationship to his students is analogous to that of a parent to his child. So, has Professor Leckey been a *bon père de famille* in both senses of the term?

By contemporary liberal standards of parenting Professor Leckey would find himself outside the mainstream attitudes to child rearing. Arguably most people nowadays agree that praising a child's strengths is the surest way to a confident, happy and capable adult. Clearly Professor Leckey will have nothing to do with that approach. Before we condemn him for his alleged callousness, let us see if there is some hidden wisdom in his attitude. After all, we are McGill law students at the intellectual vanguard, able to shake off the most entrenched orthodoxies. And, much like bellbottoms, we all know that apparently retro-

grade ideas have the uncomfortable habit of returning as the next big thing.

If one had to characterise Professor Leckey's professorial/parental attitude, one might call it tough love. From this perspective, the purpose of his harshness is to teach us the ways of the world. That is, that the world is unfair and that the sooner we understand that, the better. Educational theorists also refer to this method as sadism. The theory goes that anyone who is to succeed in this world ought to be exposed to contempt from a young age in order to strengthen their character. A shining illustration of this is the British public school, and anyone who has had the pleasure of meeting the product of such a system cannot doubt its virtue. The only trouble with such creatures is that they make one feel ashamed for still having feelings to suppress.

If you still aren't convinced

that Professor Leckey is a *bon père de famille*, consider this alternative hypothesis. Perhaps this recent episode, which on its face is nothing more than the arbitrary exercise of power by an insecure patriarch, is in fact a very clever test. Like those famous psychology tests in which test subjects routinely deny the plain truth in order to conform with the views of the group, Professor Leckey is testing our ability to speak up against injustice. Or maybe he is conducting a class simulation of what it is like to be an oppressed minority. Indeed, in some ways Professor Leckey's formalistic approach to marking - and the resulting sense that justice is a Kafkaesque nightmare - allow us as students to understand what it was like for same-sex couples to be given formalistic, circuitous reasons for being denied legal recognition. Surely such a brilliant teaching strategy deserves praise. Now if only we remembered what praise felt like... ■

## M. Leckey: un prof pas con!

par Marguerite Tinawi (Law II)

Chers condisciples du Droit,  
C'est fou ce que ça fait plaisir de vous écrire pour autre chose que pour critiquer ou me lamenter! Car même si le Râlage, sport national des Françaises zé Français, (pour donner du piquant à votre lecture, déclamer l'apposition qui précède « à la Chirac »), donc bref, même si le Râlage est étampé quelque part dans mon code génétique, je suis ravie de pouvoir m'adonner à l'anti-sport

français... la louange! Ok, comme d'habitude, j'exagère. D'abord, tous les Français ne sont pas des Raleurs-nés. Ils le deviennent tous à quelques exceptions près, mais ça c'est une autre histoire... Secondo, je vais louer, certes, mais pas démesurément. Juste ce qu'il faut pour vivre en paix avec mon ADN.

La semaine dernière, vous l'aurez remarqué, j'étais pas contente. Normal, je venais

de recevoir un travail sanctionné par l'admirable mention FAIL. Pas sympa de se faire dire en quatre lettres qu'on est con. Et ça ne console pas beaucoup de savoir que la moitié de la classe l'est également. Alors qu'est-ce que j'ai fait? J'ai pris ma plume pour vous écrire une lettre (traduction pour la génération livre@faces : « j'ai pris mon portable, ouvert Word et tapé une lettre »... avouez que c'est bien moins romanesque). Pourquoi vous

écrire une lettre? Parce ça défoule, ça fait sortir le méchant. Et une fois que le méchant est couché sur papier (sur écran), on peut dormir en paix.

Eh bien, apparemment, pendant que j'écrivais ma lettre, la myriade de FAIL empêchait quelqu'un d'autre de dormir en paix. Cette personne, c'est notre prof de droit de la famille, M. Leckey. Il a dû être étonné en corrigeant nos travaux. « Autant de cons dans ma



classe, c'est impossible! » s'est-il dit. Et pourtant, la preuve était sous ses yeux : 19 étudiants n'avaient pas respecté les consignes. Ce qu'il demandait n'était pourtant pas sorcier. Des marges d'un pouce, par exemple, ça prend un clic de souris et c'est fait. En plus, il les avait prévenu, ses élèves. Il leur avait écrit dans le plan de cours: « I will penalize you for noncompliance ». Souligné et en gras. Plus clair que ça on meurt!

Comme toute l'affaire l'embêtait bien, M. Leckey s'est dit qu'à cela ne tienne, je vais aller consulter la Grande Sage. En sa qualité de Grande Sage, la vice-doyenne jugea que les

consignes étaient parfaitement « légales ». M. Leckey n'était pourtant pas complètement rassuré. Il savait bien que les étudiants ne seraient pas satisfaits par la décision de la Grande Sage. Il savait bien qu'ils commenceraient à se plaindre, à critiquer, à écrire des lettres... Il fallait absolument qu'il fasse quelque chose. Mais quoi? Impossible de changer les méthodes d'évaluation en cours de semestre. Impossible de changer les résultats. Impossible de promettre aux cons qu'ils auraient une excellente note à l'examen final. Ça ne laissait pas beaucoup de choix...

A moins de proposer aux étudiants un travail de rattrapage! Bien entendu, ils n'auront pas droit au HIGH PASS, mais au moins, ils auront la possibilité de se racheter et d'obtenir un PASS. Voici la solution à laquelle parvint M. Leckey et qu'il présenta à ses étudiants le cours suivant.

Eh bien moi je dis WOW! WOW parce que M. Leckey n'a pas adopté une attitude je-m'en-foutiste face au désarroi de ses élèves. WOW parce que M. Leckey a trouvé une solution concrète qui par-dessus tout lui impose plus de travail de correction.

WOW parce que c'est une

belle philosophie que celle de la rédemption. Ben oui, c'est merveilleux une philosophie où les cons ne sont pas cons à vie!

Alors, chers condisciples du cours de droit la famille, cette fois-ci, ne faisons pas les cons. Soyons intelligents, et respectons scrupuleusement toutes les consignes!

PS : j'aimerais faire ici amende honorable à ma mère qui, sa vie durant, a tenté de nous inculquer les bases de la politesse... à commencer par éradiquer de notre langage des mots comme « con »... ■

*The Faculty of Law Human Right Working Group on  
HIV/AIDS and Public Health Presents:*

## **INTELLECTUAL PROPERTY AND ACCESS TO TREATMENT: HOW CAN PATENT LAW WORK FOR PUBLIC HEALTH?**

How is Canada contributing to the global struggle against HIV/AIDS and other public health problems? Will Canada amend its access to treatment legislation to make it work? Richard Elliot, Deputy Director of the Canadian HIV/AIDS Legal Network and Richard Gold, Executive Director of the McGill Centre for Intellectual Property will be on campus to discuss the relationship between patents and public health and what we can do to ensure that patent law is a tool for public health..

**Date: Monday March 19, 2007**

**Location: Thompson House basement, 3650 McTavish Street**

**Time: 6:30-8pm, with wine and cheese to follow.**

**Sponsored by HRWG, MGAC, and MIHI/McWHO**

**If you have any questions please email [thomas.lipton@mail.mcgill.ca](mailto:thomas.lipton@mail.mcgill.ca)**



# Reckless Interviews: Professor Richard Janda

by Ryan Anderson (Law III)

**W**ho are these people around us? Who is teaching us? Why are we so lucky? I want to know more. Like a young little lamb I love to see how these academic titans who so powerfully yet gently cup our minds in their hands came to the space they currently inhabit. I find it both inspires me and loosens me up, reminding me that everyone's journey is uniquely their own, and I'll always take more of that. Please, comments, ideas, questions for profs or whatever to [instantanderson@gmail.com](mailto:instantanderson@gmail.com). Keep rocking in whatever way you do, and in the meantime check out Professor Janda. Amazing.

*The other night at the Law Journal talk you asked Mr. Macklem about causality, something about the unforeseen consequences of our best efforts. It seemed that you wanted to acknowledge, channel, and limit the almost inevitable negative effects in everything we do. Thoughts, please.*

I used to have a strong, irrational identification with the capacity of reason to address and resolve all challenges and paradoxes. The task was to elicit and apply the right set of principles. I have come to see more recently that every principle we affirm, every pristine institutional arrangement we erect, is itself both the deposit of atavistic tendencies (hidden violence) and the source of unaccounted for past and future injustice. The difficult task for the jurist becomes to establish a relationship both

to the need to affirm principles and to the acknowledgement that they produce something other than what we affirm.

*Hmmm. This seems to relate to your work with governance (both corporate and environmental)...but please say more. What does it have to do with law?*

There are impenetrable states when we reach paradox, great tension and confusion - I think that jurists flee this experience. They want, even as a matter of creating their own identities, to have well-defined, well-mapped out conceptual spaces within which to function. Yet it is precisely that effort at creating pristine conceptual spaces that is one of the main justice-degenerative moments. It's been difficult for me to come to terms with this because it runs counter to most of my own efforts.

*I've read "the Force of Law" by Derrida, which explores this idea. But I need more. I love this.*

Well I've been confronting a remarkable book called *Les Bienveillantes*. It's about a 30 year-old jurist, a doctor of laws with a strong background in philosophy, who is a rising official in the SS during the extermination of the Jews. The book is an attempt to work through the interaction between the *rationality* and deeper *irrationality* that made the Holocaust possible. I had a minor epiphany when the protagonist is asked by Adolf Eichmann how to apply

Kant's categorical imperative to the Final Solution. The protagonist asserts - not without cynicism - that everything been done by the SS, every directive being worked through, is in fact a precise application of the categorical imperative. One must simply substitute the will of the Führer for some transcendental principle. Nazi Germany grounded the categorical imperative in the "Volk" instead of in a nebulous metaphysics, and was thus able to make it more real and active for ordinary people. Ultimately the bureaucratization and rationalization of killing targets and outcomes married Kant's clear maxim of reason to the most atavistic and horrific of human tendencies.

I've long been under the shadow of Kant in my own thinking. I have in most of my work sought a pristine, principled architecture for law - and here I face an SS jurist tearing the edifice down....

*I see many links here. Your work on Federalism, the nature of the nation-state, the hidden violence in all affirmations, whether they are called "Canada" or a legal principle....*

I'm glad you see connections in things. I worry sometimes that I simply have odds and ends of dilettantish excrescences to my life... But to federalism. If we really believed that we could have a single forum in which justice is to be "done," federalism would not make sense. We would simply assert a collec-

tive identity to gather around. Yet on the other hand if we really believed in the heightening of the particular, that we should seek out, in our particular identities, how justice should be done to and through us, why would we bother binding these differences into a federal entity? So there is this wonderful ambivalence in federalism. At its root is the idea of *foedus* - covenant - a term laden with religious significance. A covenant involves bringing the incommensurable together - God and man, general will and particular identity. I used to believe when I was a student that if we could just come up with a perfect theory of federalism we'd find THE mode of governance. Such thinking was in the air in the 70s and 80s when people were engaged in the project of renewing the Canadian constitutional framework. So when I've returned to federalism of late, it's not so much in search of a perfect constitution, but rather to engage in reflection on the fundamental problems posed by the idea of federalism itself.

*Very complex.*

I have trouble with the word "complexity" in this context. It suggests that if only we could "get the bottom of it," then we could create some legislation, for example, add a few bells and whistles and solve the "complex" problem...but I am talking about something beyond intricate pathways and connections: the recognition of more fundamental paradoxes and in-



commensurabilities....For example, think of Quebec. One fascinating thing about living here is that we are confronted both with national affirmation and the efforts to build links between and across diverse communities. We live both of these realities at once and an elimination of either of them would be illegitimate. There will always be unresolved claims, needs and concerns here....

*Kind of like when you're alive.*

Yes. I am trying to get past living these paradoxes as anxiety, tension, concern, and tumult, but rather as something that we learn to relate to....

*So no pristine federalist architecture on a national level. Fine. But hopefully you've figured out a workable form of global federalism, right? I mean substitute UN for Canada, Canada for Quebec.... Then we could all have a global identity, and not be so exclusionary!*

I'm drawn to the idea that non-identity makes some sense as a starting point for thinking about global governance. We need to have points of reference for justice claims that are not rooted in exclusive and exclusionary identities. Yet we must recognize that when we place something on that plane we are erasing something of justice. For example, consider Indigenous peoples. We cannot even sense or identify their justice claims unless we acknowledge the particularity of the identities they seek to protect. We can't have supervening non-national justice without acknowledging the ways in which this can erase and occlude identity.

*Hmm. Does this harken back*

*to Macklem at all? I'm also reminded of Fox-Decent's call for the free movement of peoples...(see fantastic interview Quid).*

Evan is an inspiration. I certainly appreciated how Patrick Macklem linked international human rights claims to the injustices that flow from sovereignty. He envisions international human rights not so much as a claim to universal justice (like Kant's categorical imperative), but as a making amends for the exclusion from resources and concentration of power enabled by the central role international law gives to the nation state. It is a restitution being made for the shortcomings of sovereignty. I do not think there can be a precise causal link between sovereignty and the quantum of damages arising from the injustices to which human rights norms respond. Nevertheless, sovereignty renders those injustices possible.

*So all this is exciting but kind of stressing me out and reminds me...I went through this period where I was doing Yoga and meditating all the time. I felt like I was beginning to understand why hard-core religious folk such as the Jains or Mountain style monks minimize their doings in the world. I thought hey, maybe this sit and just think good thoughts over a tasty bowl of rice is a good thing, cause its hard to mess things up. No unintended harm, etc. Any advice? Maybe you hung out in a monastery too....*

There is a famous Czech comedy troupe that has constructed an imaginary figure, Jara da Cimrman, claimed to be the great unknown, unsung genius of the late 19<sup>th</sup> century. For example, Cimr-

man is the one who advised Eiffel to bend the tower, and he came within 7 metres of being the first person to the North Pole - but unfortunately ran right past it. Cimrman, by the way, would apparently have won a recent contest to name the most influential Czech of all time, but there were official protests. It turns out that Cimrman's contribution to philosophy was the theory of Externism, which is the opposite of Solipsism. It posits that there is only an external world and that Cimrman does not exist. The self can be portrayed as a hole the tissue of existence. The stretching and contracting of the absent self is its presence in the world. The philosophy of Externism is a lovely elaborate joke, but it does not enable us to be in the world.

*Ok. So...If you could bring anyone back from the dead, who would it be? Freddie Mercury?*

Theodor Adorno. He was working on a text revolving around justice before he died and I have the feeling that had he finished it I would have found it inspiring...He explored an invaluable concept - the "non-identical." Every time we assert and affirm, as a final moment of synthesis, we are always leaving out the "non-identical" - that which stands in relation to the identical. This has enormous significance for theories of justice, as every effort to do justice as an affirmation will always contain an absence, this occluded moment that is the non-identical, the unaccounted for, that which does not quite line up. I'd love him to finish his book.

*You went to McGill as a student as well, right? How has McGill changed, both for the*

*good and bad over your years here? Yes, you have to cover bad as well.*

When I came to the Faculty we had quite a cliquish and divided student body. We had some students who entered purely as common law students, others only as civil law students...there was also a clear divide between the Francophone and the Anglophone groups...so I had the sense of being part of many classes instead of one, and this felt very fractured. Once that generation of us who went through the old program started playing with power, we imagined a new kind of class identity. We thought it was a bad thing to have students imprinted with one identity the moment they started, because often the first year student determined both social groups and indeed how one saw oneself as a jurist ("I'm a Civilian" or "I'm a Common Lawyer"). We wanted an anti-imprinting principle. That is where the contemporary structure comes from....

*Any unforeseen fallout to this shift?*

Yes. One of the not fully anticipated implications of this has been the default and implicit orientation of the program to New York City. That this has happened to a "cosmopolitan" legal education is a lovely little metaphor for the ambivalence of globalization. Whereas we used to have graduates following clearly demarcated separate paths - those identified as a civil lawyers committed to Quebec from the beginning for example - now there is an outside, alternative future that many more students feel compelled to pursue. In a sense New York firms have become the supervening choice, the most "globalized"



choice... I have misgivings about this.

*I love talking about us students. In much of what you said above about the "non-identical", the incommensurable, the paradoxical...it makes me think of the shadow self that Jung talks about. If we do not relate to the shadow self it festers and becomes dangerous and inadvertently controls us, rather than infuse our lives with a sense of depth. Denying the shadow we are one-dimensional, though this denial cannot last forever and have dire consequences. A painting is also its negative space. Music needs silence.*

The first year experience reveals the danger of being too...affirmative. We are trained to make strong affirmations in our legal arguments, and to go after them with mental aggression. But once pushed, we can make these affirmations in almost any direction, on both sides of an argument. While this may be a prized technical skill, it can also give rise to vertigo. One can emerge schizophrenic- moorings can be lost. What is not present in our training is the ability to enter into relationships with ideas and feelings that are not affirmations.

This absence brings out deep irrationality. We're in "a penumbra of affirmation" here, an affirming space. We're told "you have all learned to succeed, to project yourself into careers, to get from point a to point b." We deal little with exploring negative spaces and absences. Yet we can't personally translate everything into litigated outcomes or new institutional arrangements or new rules, we won't be able to organize and structure our lives in that fashion...so it's

as if the anxiety and the psychosis (if I can use that nasty term) of this place is linked to participation in an affirmation-generating machine. Since everything is so clearly orientated towards affirmations, our psychoses are unconscious rumblings of what is absent in affirmation.

*We should all do a double major in the arts. Acting, maybe. Onward- What was the most chaotic situation you've been in? And peaceful, tranquil and harmonious situation?*

The most chaotic situation is right now; the most harmonious is the prior chaotic situation the chaos of which I have forgotten.

*What is your relationship to procrastination?*

Could we please put off this question?

*Describe your usual state of mind in less than five words.*

Tormented.

*What do you think of on-line dating?*

I think that people are coming to believe that they can turn on and off intimacy in the way that they turn on and off a multiplayer video game or multitask in and out of Second Life. I have been struck recently by examples of people logging out of intimacy as if the person in front of them had been alt-shifted. Maybe on-line dating will allow a further elaboration of fetishized, consumer portfolio management of relationships.

*Who is your favourite poet/philosopher/thinker?*

Poet: toss-up now between Peter Weiss and Robert Littell

Philosopher/Thinker: Derrida

*Do you have a vision of the future? Is your life about building something (if yes, what) or do you make it up as you go along? Little bit of both?*

My vision of the future is a great book on justice, which I am trying to make up as I go along and mostly fleeing.

*What was the craziest situation you worked in?*

Articling: being asked to demonstrate that a matter lay within federal jurisdiction and then, having succeeded, being asked to show that it lay within provincial jurisdiction.

*Your greatest fear? Hope?*

My greatest fear is meaninglessness. My greatest hope is intimacy. And after giving such a serious answer, I succumb to an even greater fear, which is ridiculousness, and an even greater hope, which is sympathy.

*In your eyes and experience, what is the most significant struggle going on today?*

The struggle to fill the ideological void left by communism.

*What is your favourite word (not for all time, but you know...generally, these days)?*

Ambivalence. ■

## **Motion to create the LSA CLUBS**

### **AWARD**

Whereas the LSA is already attributing three different kinds of awards to students for their contribution to the Faculty community (PATRICIA ALLEN AWARD FOR PARTICIPATION, ALAN NEIL ASSH AWARD, LSA GRADUATING STUDENT AWARD);

And whereas no award is dedicated specifically to clubs and students groups, who significantly contribute to the Faculty community;

**I move to create the LSA CLUBS AWARD, described as follow:**

The LSA CLUBS AWARD was created by the LSA to recognize the contribution of clubs and student groups in the social, cultural and intellectual life of the Law Faculty. It is awarded to any club or student group, up to a maximum of three (3), who have made outstanding contributions to the Faculty community through the organization of events and activities in the year of the award.

The award will be awarded by the Awards Committee, in consultation with the VP Clubs and Services.



# Canada's Potential in the Fight against HIV/AIDS

Seven months ago at the International AIDS Conference in Toronto, hope and fervour were stirred up by the strength of African grandmothers, a notable celebrity presence, powerful protests, and inspiring speeches. Amidst the enthusiasm, however, several delegates including Stephen Lewis, former UN Special Envoy for HIV/AIDS in Africa, heavily criticized the Canadian government for its HIV/AIDS policies and for failing to exploit its tremendous ability to lead the world in combating the pandemic.

Canada could play a crucial role in the fight against global HIV/AIDS through a statute passed in 2004 called Canada's Access to Medicines Regime (CAMR). CAMR was intended to implement the World Trade Organization decision that affirmed that governments can use compulsory licensing for HIV/AIDS treatments and other essential medicines. Through CAMR, compulsory licences would require pharmaceutical companies to allow Canadian generic manufacturers to produce patented drugs at low cost for export to developing countries in need. Compulsory licensing is an essential step in the fight against HIV/AIDS in the developing

world.

Immediately after the legislation was enacted, Doctors Without Borders attempted to produce and export a new fixed-dose HIV/AIDS drug, APO-TriAvir, through the CAMR process. Yet almost three years later, not a single pill has been produced. During this time, more than seven million people have died of AIDS—roughly equal to the combined populations of the Vancouver and Toronto metropolitan areas.

Criticism of CAMR's ineffectiveness forced Health Minister Tony Clement to order an immediate review of the legislation in November last year. The review process itself is shrouded in uncertainty. It remains unclear whether the Industry, Science and Technology Committee responsible for the review will hold public hearings or if they will take private oral presentations from interested parties.

Completing this review without making the changes needed to improve access to essential medicines would be a monumental failure. To avoid such an outcome and the impact it could have for the millions living with HIV/AIDS, it is critical that the decisionmaking behind the review process be trans-

parent. The Canadian government has, in the past, included many unnecessary bureaucratic hurdles not required by the WTO. These hurdles have rendered CAMR practically inoperable. Some of these obstacles include, for example, a two-year limit on licences (which gives insufficient time for generic companies to tweak, produce, and distribute drugs), a limited list of drugs eligible for production, and no amendment procedure to modify quantities when the needs of patients change. Parliament must address these and other issues in order to streamline the production and the delivery of essential medicines to those who need them most.

We can make CAMR work. The outcome of this review translates into a difference between life and death for millions of people in the developing world. Canada is well placed to produce some of the life-saving drugs that other countries with different compulsory licensing regimes, such as India and Brazil, cannot. Under a revised CAMR, Canada would be able to produce key drugs at a much lower cost than these other countries and fill a large void in the production of essential medicines. Canada need not attempt to

become the world's largest essential medicines manufacturer in order to have a big impact. Providing even just one or two crucial drugs or combination therapies at low cost would mean a healthier future for millions in the developing world.

The immense possibilities for Canada's role in the fight against HIV/AIDS begin with CAMR. We need to make sure that we maximize this potential. Tell your MP about the importance of a sound review process that properly addresses deficiencies in the legislation. Remind him/her that pending the outcome of the review, the lives of millions hang in the balance. And tell him/her that you are proud that Canada will have a deep impact on the HIV/AIDS pandemic. ■

*The authors are members of the Human Rights Working Group on HIV/AIDS and Public Health at the Faculty of Law.*

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# LSA General Elections 2007

The LSA general elections will take place Wednesday, March 21<sup>st</sup>, at the Porter's desk.

The following blurbs were submitted by candidates. The blurbs of the acclaimed candidates follow.

Given the delays associated with the publication of the Quid, this list might not be complete. The complete list will be posted next to the polling station.

## Running for ...

### Président de l'AED / LSA President

**Andrew Biteen**

[No statement submitted.]

**Hilary Johnson**



Après avoir travaillé un an en tant que VP Interne de l'AED, je suis confiante de pouvoir occuper le poste de Présidente avec enthousiasme et professionnalisme.

I am qualified, competent and dynamic. Communication with students, firms and administration is essential for presidency; I am completely bilingual and have the skills required to run things smoothly. Maintaining a good relationship with law firms and McGill Security are just a couple of ways in which my communication skills have come in handy this year.

As a member of the Curriculum Committee, and in my roles overseeing Orientation and coordinating Coffeeshouses this year, I have extensive hands-on experience in the LSA.

I know the other VPs mandates well. Being familiar with the other VPs portfolios will allow me to lead and support the team efficiently.

Merci et votez pour Hilary pour Présidente de l'AED!

### VP Academic / VP Académique

**Maha Hussain**



Now that first year is nearly over, I'm amazed at how much our lives in the Faculty have been shaped by academic concerns (for better and for

# Élections Générales de l'AÉD 2007

Les Élections générales de l'AÉD auront lieu mercredi, le 21 mars, au Porter's Desk.

Les textes de présentation suivants ont été soumis par les candidats.

En raison des délais liés à la publication de la présente édition, cette liste n'est peut-être pas complète. La liste complète sera affichée près du bureau de vote.

worse). Most of us are unaware of the various forums within the Faculty where stuff impacting our academic lives is discussed. As your VP-Academic, I'll try to change this. I want students have a strong voice in the Faculty's academic affairs, including course selection, course offerings, and curriculum options. I'd represent your interests vigorously in matters like this, and advocate with the Administration to ensure your needs are being met. Those of you who know me know that I'm a thoughtful and committed person who would work very hard on your behalf. If elected, I promise to serve you well. Thanks for voting. Do what's right for you.



**Léonid Sirota**

Like most, if not all, of you, I find certain things about the Law faculty need to be improved. Who wouldn't like to change the apparent randomness of grades and the disproportionate amounts of time spent on legal meth and get rid

of schedule conflicts between compulsory courses? Après avoir passé deux ans à me plaindre, j'ai décidé de faire quelque chose pour tenter de changer la situation. Les changements que j'aimerais accomplir sont importants, et il s'agit probablement d'un travail de longue haleine. However, I am confident that I can provide an articulate and thoughtful voice to make our concerns heard and make our stay at the faculty a more enjoyable one. This is why I am asking you to vote for me as VP Academic. Thank you! Merci!



**Juho Song**

If elected VP Academic, it will be my personal mission to ensure the transparency of academic affairs through open and honest dialogue between students and the faculty. I want to know about your concerns, and I will do my best to

represent the student voice to the faculty. My friends, I kid you not, I will bring it!!



En tant que représentant des étudiants au sein du Faculty Council et de l'AÉD, je connais bien le fonctionnement de l'AÉD et de la faculté d'une manière générale. Je voudrais mettre mes connaissances à votre profit, en tant que VP académique, pour faire entendre vos doléances de manière concrète et effective.

Please vote JUHO SONG for VP Academic! Merci bien!

### VP External / Externe



#### Eric van Eyken

Having served as both an SSMU Vice-President and as an executive officer in the provincial education lobby industry, and having developed links with faculty associations across the campus, I think I am uniquely suited to acting as the

LSA's contact person with the other student groups of McGill and the province. This year, I was involved with the Law Bridge Club, serving at Coffee House, and travelling to London to compete at Law Games. Some of my past accomplishments include successfully working to increase McGill's provincial funding by 1 million dollars in both 2005-2006 and 2006-2007 through lobbying the Ministry of education, pushing forward the importance of a federal transfer for education through both lobbying and protest efforts (likely to be included in the next federal budget), bringing McAuslin beer to McGill (rather than Molson), and engaging in numerous political, cultural, academic, and social activities across campus since 2002.



#### Ali Khan

C'était avec grand plaisir que je me présente au poste de VP-Externe de l'AÉD. I bring to this position a solid portfolio of experience in student representation. I have previously served as VP-Academic, Faculty Councilor, and Chair of the Student

Caucus at Glendon College, York University. I currently serve as law Faculty Councilor. Mais, j'ai plus qu'un CV! Je suis une personne qui s'engage avec passion. As VP-External, I will work to strengthen our faculty's relations with the greater McGill community and other law faculties in the province. Moreover, I will ensure that the voice of McGill law students is well represented in the student movement at large. J'aimerais contribuer au gouvernement étudiant en y partageant mes compétences, surtout en trouvant les meilleurs moyens pour nous défendre comme étudiant(e)s. Representation on the LSA is a privilege we hold as students. Join me in ensuring this privilege is not taken lightly!

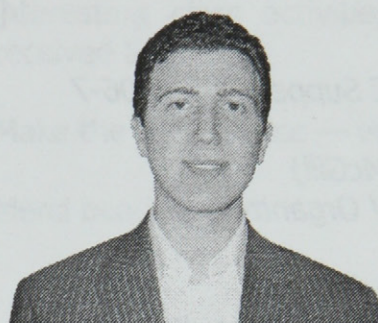


#### Hinda Rabkin

Know where Shatner is? Want to own up to the McGill logo on your sweatshirt? Allow me to represent you as your VP external to the greater McGill community. I am motivated and energetic and eager to strengthen ties between our

faculty and the McGill administration and general student body.

### VP Finance



#### Jack Fattal

I am ready to take on a very important role at the LSA, including responsibility for planning the budget, helping clubs plan finances and refunding them for their expenses.

#### Relevant experience:

B.Comm in Finance at Concordia University  
President – Finance Students' Association, Concordia  
Led group of 10 executives  
Managed annual budget of \$10,000  
Organized events promoting the finance industry  
Programs Officer External – McGill Business Law Association  
Organized and promoted 6 highly successful educational events this year with fantastic student turnout  
President – Jack Enterprises Inc.  
Planned the finances of a company with eight bank accounts in multiple currencies

Thanks for your vote!



#### Eric Svoboda

My name is Eric Svoboda and I would like to be your VP Finance. Why will I make a great VP Finance? I am trustworthy and very comfortable with numbers. You will be able to feel secure that your money will be handled in an efficient and effective manner. It will be

my pleasure to plan the LSA budget for the 2007/08 academic year and stick to it in addition to helping clubs plan their finances and distributing reimbursements. I am also very approachable, and welcome anyone who will stop me in the halls or write me an email about any of their concerns or questions about LSA or LSA clubs financing.



## VP Internal / Interne



### **Lauren Chang MacLean** the job.

*The position of VP Internal is one of social organization and promotion*

*She oversees / organizes Orientation, Coffeehouse, Law Parties, social events & fundraisers. She manages / develops contracts with food & beverage*

*suppliers & secures permits*

*She works with the VP Public Relations to promote events*

### **my experience.**

*PR & Corporate Event Manager, TIME Supper Club 2006-7  
Federal Liberal Party Fundraiser*

*VP Events, Parti Libéral du Québec (McGill)*

*McGill Charity Cancerball Fundraiser / Organizer*

### **my ideas.**

*I would look forward to continuing unique & vibrant coffeehouses & funky law parties chez Lolita. Last year's Orientation was a smash & I envision 2007/8 as even more successful, with increased upper-year participation & plenty of activities to keep new students engaged. I would like to hold a major fundraising event uniting students, administration, professors, firms & community organizations for an evening of dinner, dancing & performances to benefit our faculty.*



### **Alexandre Forest**

*Je m'appelle Alexandre Forest et après un an passé à siéger sur le Conseil de l'AÉD en tant que Président des Premières Années, j'ai eu l'intense illumination qu'il fallait que je reste sur ce conseil, mais cette fois en tant que membre de*

*l'exécutif. Why did I choose the VP Internal position? I think it's the position that fits me best. During all the present year, I worked under Hilary's orders at almost every sponsored CoffeeHouse. En observant l'habile manière qu'elle avait de gérer chaque situation, j'ai songé que je serais moi-même capable de déployer une telle logistique. Furthermore, I would like to add a little something to the initiation time. I think that by adding emphasis on friendly competitive games, we would create a good atmosphere between new students and would stimulate meetings of all kinds. En fin de compte, je peux vous assurer que j'exécuterai mes fonctions avec efficacité et enthousiasme et serai toujours ouvert aux suggestions.*

## Third Year Class presidents (2 positions)

### **Seth Earn**

If elected as a Third Year Class President I promise to take myself no more seriously than I do now. However, I thoroughly enjoy complaining and will happily, and seriously, take your complaints, suggestions, ideas, dreams and even nightmares (as long as they aren't too creepy) to whomever will listen. In all seriousness, I would be happy and proud to be a voice for our class to the LSA and Faculty. And we can plan a few events too, except for skating. Well, that's not true...we can plan it, but I won't go. Because I'll fall...a lot.

### **Lilly A. Lo Manto**

[No statement submitted.]

### **Kiran Singh**



Why I would be a great 3<sup>rd</sup> year Class President... Well I am indeed a law student; I have various really heavy books to prove it. And I will in fact be in 3<sup>rd</sup> year next fall, unless I really get on Thomas' bad side ☺.

In all seriousness representing your views is very important to me. If we were all HEARD there is no telling how much our faculty environment would improve.

In addition to ensuring that we continue to have activities to foster our sense of community, I would make sure you are kept abreast of changes that can affect you, and that you have your 'say'. Many of us will be tackling recruitment; as this will be a stressful time the need for banding together is even stronger, as President of the 3<sup>rd</sup> year class I will help us achieve that.

**Vote for SINGh and be HEARD!**

***The Following candidates have been acclaimed***

### **VP Administration:**



### **Rachel Sévigny**

Hey All! Bonjour a tous!

Si tu veux une LSA-experienced member of your student body pour vous représentez sur LSA as VP ADMINISTRATION, votez for me! Vous avez voté pour moi for the post of Faculty Councillor in the fall semester and I fulfilled my mandate like no other! I know the inner workings of the l'AED et ça va être merveilleux if I could do



it all over again as Vice President Administration! VOTE RACHEL POUR VP ADMINISTRATION! Thanks and Merci!

### **VP Athletics: Ata Kassaian**

[No statement submitted.]

### **VP Clubs and Services:**



#### **Megan Cowan**

Hey, everyone!

A lot of you may know me as "Newfoundland Megan," and I am running for Vice-President Clubs and Services of your Law Students' Association. I look forward to helping clubs plan and organize activities and fundraisers that will help

improve life around the Faculty. Avec deux ans d'expérience comme membre exécutif de l'Association des étudiants d'Histoire de Memorial University, je suis entièrement confiante que j'ai l'enthousiasme et les compétences nécessaires pour avoir beaucoup de succès à ce poste. Vote Megan for VP Clubs and Services, and I'll see you at Coffee-house!

### **VP Public Relations:**

**Claude Lévesque**

### **Second Year Class presidents (2 positions)**



#### **Lisa Smith**

Dear soon-to-be second years, Please vote for me for 2<sup>nd</sup> Year Class President so I can start planning events for next year! I will host a class meeting in September to hear your concerns and identify solutions. Je veux être votre liason au AED et s'assurer que vos opinions

seront entendus au sessions du conseil. Bonne chance avec vos examens et n'oubliez pas de voter !

#### **Matt Hendy**

[No statement submitted.]

### **Fourth Year Class Presidents (2 positions)**



#### **Paul (Pavel) Matrosov**

Salut! I am Paul (Pavel) Matrosov and I want to be your class president for the next year. I will bring fresh ideas to the student council. I will also listen to and carefully consider anyone's suggestions, and

implement them as best as I can. I am aware about current student issues and concerns as I have been serving as a member of the Judicial Board. As your class president, I would work with the other class representatives to not only organize a highly enjoyable graduation ball, but also to host interesting class activities based on the input that we received this year.

Make the right choice — vote for me!

Merci beaucoup!



#### **Jeffrey Spiers**

Why hello there my fellow soon to be former law students. Most of you hopefully know me by now, seeing as how we've spent three years together in this place. If not, well, I guess that is my fault since I haven't exactly kept a high profile; apart from fairly regular

attendance of coffeehouse and almost as regular attendance of classes, I've been keeping things pretty low key. Anyways, as 4th year class president I plan to do all the things 4th year class presidents do: keep in touch with the LSA, talk to those of you who are still around next year, deal with graduation-related issues, attend coffeehouse diligently, steal office supplies, revel in my awesome power, etc... You know, the usual. Oh yeah and I'll be here for the whole year.

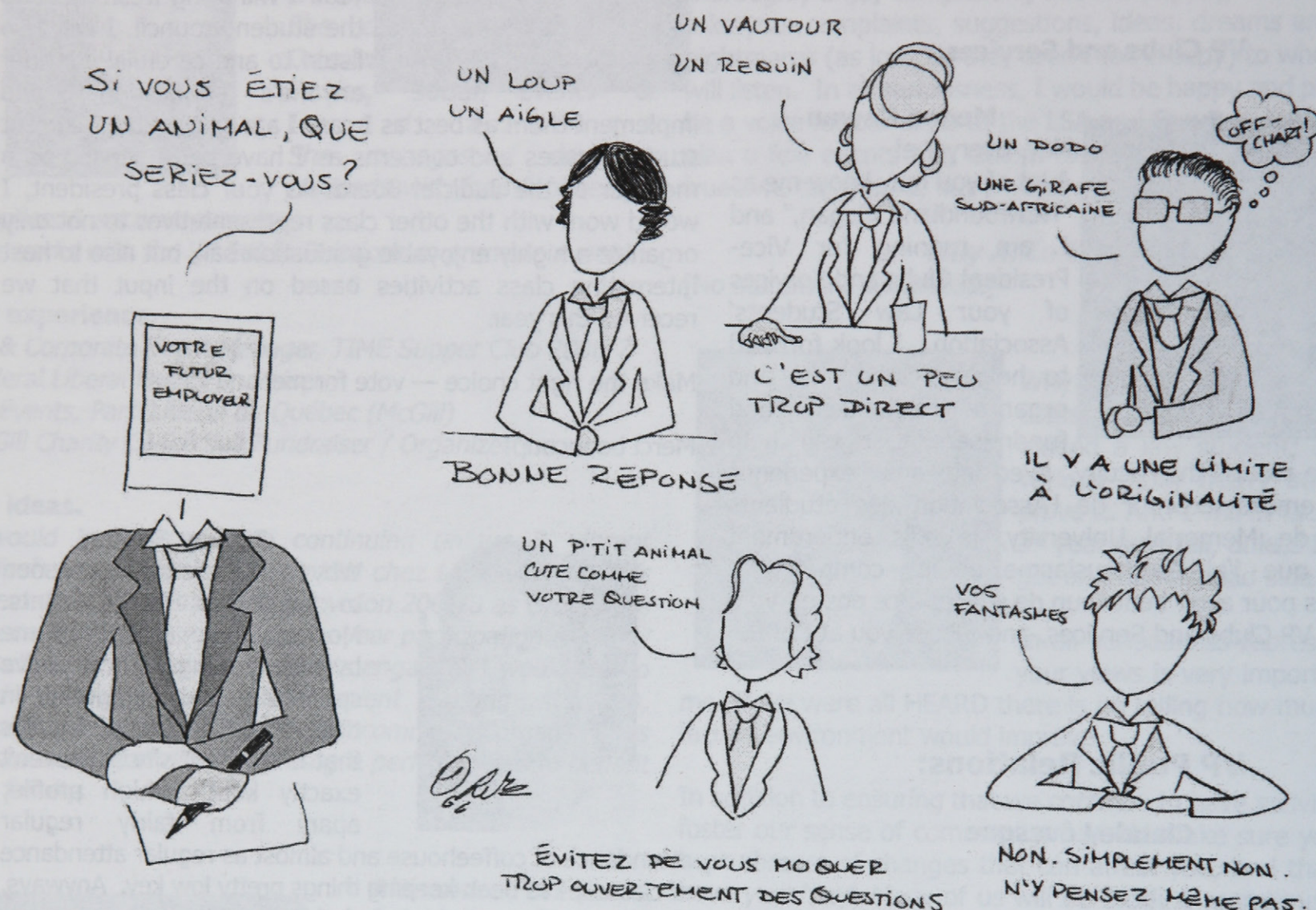
Jeffrey Spiers



# Les Aventures du Capitaine Corporate

## America: « Portrait chinois »

par Laurence Bich-Carrière (Law III)



# Field Trips

**By Olivier Plessis (Law II)**

Some moments in life feel more real than others. "Real" can mean anything, but everyone can describe a real moment in their lives where the world stands still and something is illuminated.

Real for me is 15 years old and obsessing over a girl. Delusional, sentimental, pre-occupied, but real. Real is falling asleep at night concocting a million plans to do something impressive the next day when you see her. Real is having hope because she laughed at your joke or

touched your arm just so.

Most of life is not real. It's a well-coordinated pattern for passing the time. Those moments where the pattern is broken is what we all look for, whether we know it or not. Drugs alter our senses and momentarily make sure the trains don't run on time. Music shakes our bones and forces us to step out of line. And romance can overthrow the entire system. It doesn't even have to be sexual, though that helps. There is no greater threat to the status quo than two people trip-

ping over each other. When a sliver of a glance in each other's direction sends nervous systems into action, how ineffective the barrel of a gun seems; how meaningless careers and money and towing the line become.

Life would not work if it were always real. Real would become routine and soon routine would be the escape from real. It would be a constant orgy of intensity, and absolute pleasure never feels as good as release from pain; walking outside without a jacket in March feels better

for walking with one in December, January, and February.

But that doesn't mean stay in the cave at all times. Take field trips more often. Be blinded by the light. Whatever "real" is to you, I say succumb to it, even seek it. The human mind is limited but still feels limitless when its fires are stoked. When I feel 15 and consumed, I have enough energy to reinvent the world. What might we accomplish if we let ourselves be consumed more often? ■



# Qui sont "les yeux bridés"?

By Albert Chen (Law III)

Last week, PQ leader and candidate for the premiership Andre Boisclair refused to apologize for using the term "les yeux bridés" in referring to people of Asian descent.

There are a couple of problematic things about Mr. Boisclair's intransigence: First, he fails to recognize that people of Asian descent find this term offensive.

Mr. Boisclair defends himself by saying that the French and English connotations of this term are different and by pointing out that he has often used this term in the past and has never been challenged on it. He himself finds it inoffensive. I don't doubt the sincerity of Mr. Boisclair, however, discrimination doesn't have to be intentional to be discrimination. In discrimination matters, you don't have to be conscious that what you are doing or saying is offensive for it to be wrong. Both Jean Charest and Mario Dumont miss this point when they attempted to justify Boisclair's comments as not being ill-willed. I would argue that the phrase has the same meaning in English or French, and if the connotations are different, then this is only because some people's attitudes have not yet changed with the times. This is a good opportunity to point out to everyone that this phrase is not longer accepted. Ignorance is not an excuse, and mistakes should be apologized for once they are made known.

In addition, who should de-

fine the meaning of words, the ones who use it and don't find it offensive or the people who find it offensive? The Chinese Canadian National Council has called for Mr. Boisclair to retract the statement as has McGill Law alumnus and former Bloc Quebecois candidate May Chiu. Perhaps these words were not offensive in the past precisely because none of its targets were either empowered enough to protest or because of the lack of consciousness about these issues. Fortunately, les temps c h a n g e n t .

Second, the context of this statement shows that Mr. Boisclair's conception of who is Quebecois excludes people of Asian descent. The context in which Mr. Boisclair used the phrase shows how it is used to exclude people of Asian descent. He used the phrase when speaking to a group of students in Trois-Rivières about global competition from Asian economies like India and China and the number of young people who leave these countries to pursue studies in the United S t a t e s .

"I was surprised to see that on campus, about a third of the undergraduate students had slanted eyes," Mr. Boisclair said, talking about his time at Harvard University. "They're not going to work in sweatshops. They're people who will later work as engineers, managers, and will create wealth. They're people who will innovate in their countries. There is ferocious competition in the world t o d a y . "

While there are several problematic aspects of this statement, the most striking is that most of the people of Asian descent Mr. Boisclair saw at Harvard were not people who were born and raised in Asia, but rather Asians who were born or raised in Dallas, California, Montana, Brooklyn, Montreal, Vancouver, etc. By not distinguishing properly among "les yeux bridés", his meaning rests on wrong assumptions, and in the end he seems to be saying that all Asians are alike and foreign, even those who have been born and raised in North America. While it is possible that this is not what he meant, his message to those students in Trois-Rivières ends up being that Quebec students are going to have to compete against "les yeux bridés", which include people of Asian descent who have been born and raised in Quebec. It implies that even those Asians among us are foreign, no matter if they speak French with a Quebecois accent. At the very least, the lack of precision in his language shows that he hasn't given serious thought to how he frames his points.

This laxity in word choice may come back to haunt him if he gets elected. Like for all the candidates, increasing trade with other countries is important. Apologizing now will avoid Mr. Boisclair having to apologize if he becomes premier and has to meet with dignitaries from Asia who may find being called "les yeux bridés" offensive, whatever its connotations in

French. Now is a good time to start getting used to using phrases such as "Asiatique", "Québécois d'origine Asiatique", or "Asiatique-Américain", which are much more accurate and accepted

Finally, it is also important to recognize that Mr. Boisclair has taken steps to welcome diversity into the Parti Québécois during his leadership. We would all prefer to remember Mr. Boisclair as the one who made a mistake which gave offence, but showed his ability to grow by apologizing for it. ■

**Comments?  
Jokes? Rants?  
Academic opinions?  
(Just kidding!)**

**Write to the  
Quid!**

[quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

**The deadline is on  
Thursdays at 5:00  
pm.**

**Please remember to  
send your submissions  
in a .doc format, and your  
pictures or ads in a  
.pdf format.**

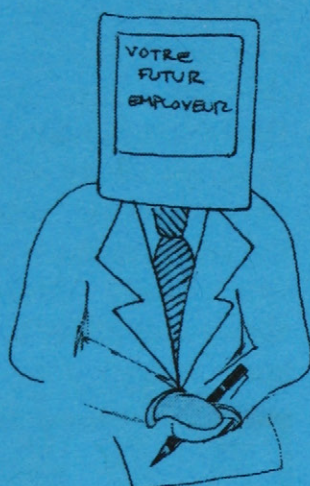


# Les Aventures du Capitaine Corporate America: « Dernier conseil »

par Laurence Bich-Carrière (Law III)

*Que faire si la personne qui vous passe en entrevue fait une blague particulièrement mauvaise?*

Why is the name who invests your money called a broker? Ha! Ha!



Exkoffusez-moi!



METTES-VOUS À TOUSSER POUR ÉVITER D'AVOIR À DIRE

What is a lawyer's favorite part of a taco?  
[pause pleine de suspense]  
The tort-illa.



REPLY WITH AN EQUALLY LAKE JOKE

Apparemment, vous avez un département en droit du divertissement et vous faites affaire avec plusieurs humoristes, ceux qui savent faire des blagues.



CHANGÉZ LE SUJET (illustration d'une transition on plus ou moins réussie)

SOYEZ BON ENFANT ET RIEZ POUR LA FORME



Ha! Ha! Il va falloir que je me la ha! ha! fasse tatouer dans le front!



QUOI QUE VOUS FASSIEZ N'EN METEZ PAS TROP

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